

YEAS—26.

Buchanan of Grimes	Henderson,	Patton,
Buchanan of Wood,	Hightower,	Powers,
Burgess,	Houston,	Rainey,
Burton,	Lair,	Shannon,
Cooper,	Lane,	Stewart,
Davenport,	Martin of Cooke,	Stubbs,
Duncan,	Martin of Navarro,	Terrell,
Gooch,	Moore,	Tilson,
Weatherrod,		Wynne.

NAYS—1.

Harris.

NOT VOTING.—2.

Lightfoot.

Homan,

The bill was then passed by the following vote:

YEAS—22.

Buchanan of Grimes	Houston.	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Lane,	Stubbs,
Gooch,	Lightfoot,	Terrell,
Harris,	Martin of Cooke,	Tilson,
Henderson,	Moore,	Weatherrod,
Hightower,	Powers,	Wynne.
Homan,		

NAYS—5.

Buchanan of Wood,	Martin of Navarro,	Rainey.
Duncan,	Patton,	

NOT VOTING.

Burton.

Senator Burgess was excused from voting in consequence of personal interest.

A message was received from the House, announcing the passage of House bill No. 11, entitled "An act to amend article 435, of the Code of Criminal Procedure, providing for the transfer of indictments from the district courts to courts having jurisdiction thereof," and Senate joint resolution regarding the port of Galveston.

On motion of Senator Duncan, the Senate adjourned until 10 o'clock A. M., to-morrow.

TENTH DAY.

SENATE CHAMBER,
AUSTIN, January 21, 1881. }

Senate met pursuant to adjournment, Lieutenant-Governor L. J. Storey in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Martin of Navarro, the reading of the journal was dispensed with.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee to whom was referred Senate bill No. 16, having for its object to change the present mode of condemning private property for the benefit of railroads, have considered the same, and instructed me to report the bill back, with the accompanying substitute, and to recommend that the substitute do pass.

The objection to the original bill is, that it provides that a railroad may proceed with its construction, pending appeal, by depositing the amount of the award of the commissioners, or giving bond in double the amount, to abide the final judgment.

The Constitution, article 1, section 17, requires adequate compensation for private property taken for public use, to be paid or secured by a deposit of money, before the property is taken. What adequate compensation may be, can only be determined by final judgment in case of controversy, and it might be much in excess of the amount deposited under the award as contemplated by the original bill. To permit the road to proceed with its construction work and take the property under such circumstances, would be a violation of the constitutional provision requiring adequate compensation to be first paid or secured.

The substitute permits the construction work to proceed, pending an appeal, if the appeal be taken by the railroad, by depositing the amount of the award of the commissioners; for the property owner assenting to the

judgment, it might, in that case, be safely assumed that the compensation allowed by the award was at least adequate.

It further provides that, if the appeal be taken by the property owner, the construction work may still proceed, on the railroad making a deposit with the county clerk, of the amount which the property owner, his agent or his legal representative, may, under affidavit (to be filed among the papers in the cause), claim he will be damaged by the taking of his property; such amount, it may be safely assumed, would also secure adequate compensation.

TERRELL, Chairman,

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 19, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 26, entitled "An act to amend article 4752 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' approved February 21, 1879," have, after considering, instructed me to report it back, with accompanying amendment, with the recommendation that as amended it do pass.

It will be seen that the purpose of the act is to restore the article, as it originally appeared in the Code, regulating the advertisement for sale for taxes of land. The object of the act is to require a publication of a descriptive list of land to be sold for taxes in a newspaper of the county, if there be one, to the end that the property of non-residents of the county may not be embarrassed by needless sales, and to avoid other evils of the present system of sales. The amendment which I am instructed to recommend is intended to protect the tax-payer against extravagant charges for advertising.

TERRELL, Chairman.

Read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 42, being "An act limiting the employment of sailors and crews of foreign vessels in the ports of this State," have had the same under consideration. The object of the bill is to prevent captains of foreign vessels, while in the ports of this State, from requiring certain labor of their crews, profitable only to the captains, and unjust alike both to such crews and to citizens of this State. I am instructed to report back the bill, with the recommendation that it do pass.

TERRELL, Chairman.

Read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 57, being "An act to amend title 11, chapter 1, article 241 of the Revised Civil Statutes of Texas, adopted February 21, 1879," have had the same under consideration. The object of the bill is to provide for the election of a district attorney in the Thirtieth Judicial District of Texas, and the amendment added by the committee provides for the appointment of such district attorney until the next general election.

TERRELL, Chairman.

Amend by adding:

"Article 241a. The Governor shall appoint a district attorney for the Thirtieth Judicial District, to serve until the next general election.

Read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 49, entitled "An act to amend chapter 10, title 72, of the Revised Civil Statutes of the State of Texas, by adding article 3609a, providing for the surrender of county convicts by the hirer, in certain cases," have had the same under consideration. It is only in very exceptional cases that county convicts can be hired out as provided for by existing law, because the hirer, should a convict refuse to work or attempt to escape, has no adequate relief from the terms of his bond. The bill proposes to afford the needed relief by permitting the hirer, in such cases, to return the convict and pay for the time served. I am instructed to report back the bill with recommendation that it do pass.

TERRELL, Chairman.

Read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 31, being "An act to amend article 1547 of the Revised Civil Statutes, passed February 21, 1879," have had the same under consideration. Under the present law, where there are two justices of the peace residing at the county seat, both must hold the regular terms of their respective courts on

the same day, the last Monday of each month, creating thereby an inconvenience, which is remedied by the present bill. I am instructed to report back the bill with recommendation that it do pass.

TERRELL, Chairman.

Read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 48, entitled "An act to amend article 1265, chapter 8, title 29, of the Revised Civil Statutes, passed February 21, 1879," have had the same under consideration. The only object of the bill is to supply what is evidently a typographical omission of the word "not" in the seventh clause of said article, which now reads as follows: "Seventh. That the plaintiff or the defendant alleged in the petition to be duly incorporated is duly incorporated as alleged." In order to effect the denial contemplated by the statute, the word "not" is essentially necessary to the sentence, and the committee have instructed me to report back the bill with recommendation that it pass.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 21, being "An act to amend article 1537, title 32, chapter 12, of the Revised Civil Statutes of the State of Texas," have had the same under consideration. The Revised Statutes provide for the payment into court of a jury fee in civil cases tried by a jury before a justice of the peace, but do not directly require or authorize the justice to pay such fee over to the jurors who serve in the case. The object of the bill is to remedy this omission and direct the application of the jury fee in such cases to the payment of jurors, and I am instructed to report back the bill with recommendation that it do pass.

TERRELL, Chairman.

Read first time.

Senator Lane, chairman of Committee on Finance, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 20, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance have had under consideration Senate joint resolution No. 18, proposing to amend section 2 of article 8, of the Constitution of the State of Texas, and instruct me to report the same back to the Senate with the recommendation that the same be referred to the Committee on Constitutional Amendments.

LANE, Chairman.

Report of committee adopted, and bill so referred.

COMMITTEE ROOM,
AUSTIN, January 20, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance have had under consideration Senate bill No. 50, entitled "An act to adjust the State's indebtedness to the University fund, and make an appropriation therefor," and instruct me to report the same back to the Senate, with the recommendation that it do pass, and that one hundred copies of the same be printed for the information of the Senate.

LANE, Chairman.

Bill read first time, and one hundred copies ordered printed.

COMMITTEE ROOM,
AUSTIN, January 20, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance have had Senate bill No. 51, entitled "An act to adjust the indebtedness of the State to the permanent school fund, and make an appropriation therefor," under consideration, and instruct me to request that one hundred copies of the same be printed for the information of the committee and Senate.

LANE, Chairman.

Bill read first time, and one hundred copies ordered printed.

Senator Stewart, chairman of Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have considered Senate bill No. 14, to be entitled "An act to prevent drunkenness and temporary insanity produced by the excessive use of ardent spirits from being plead in courts of justice in justification of criminal offenses committed in the State of Texas," and I am instructed by a majority of the committee to report the bill back to the Senate, with the recommendation that it do not pass.

STEWART, Chairman.

Bill read first time.

Senator Homan, of Judiciary Committee No. 2, submitted the following minority report on Senate bill No. 14:

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

The undersigned, of Judiciary Committee No. 2, respectfully dissent from the adverse report of a majority of said committee, on Senate bill No. 14, "To prevent drunkenness and temporary insanity produced by the excessive use of ardent spirits from being plead in courts of justice in justification of criminal offenses in the State of Texas." The bill strikes at the root of a great and growing evil in our criminal practice, and the undersigned, seeing no reason why persons laboring under a temporary aberration of mind brought on by the voluntary use of intoxicating liquors, should enjoy immunity from punishment for crimes committed while in that condition, respectfully recommend the passage of the bill, with the accompanying amendment.

W. K. HOMAN,
W. W. WEATHERED,
of Judiciary Committee No. 2.

COMMITTEE AMENDMENT.

Strike out section one of the bill and insert as follows:

Section 1. That neither drunkenness nor temporary insanity produced by the voluntary and excessive use of ardent spirits shall constitute any excuse in this State for the commission of crime; but evidence of drunkenness or temporary insanity produced by the excessive use of ardent spirits may be introduced by the defendant in any criminal prosecution in mitigation of the penalty attached to the offense for which he is being tried, and in cases of murder, for the purpose of determining the degree of murder of which the defendant may be found guilty.

Senator Stewart, chairman of Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have duly considered Senate bill No. 40, to be entitled "An act to amend article 605 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' passed by the Sixteenth Legislature," and I am instructed to report said bill back to the Senate with the recommendation that it do not pass.

STEWART, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 beg leave to report that they have considered Senate bill No. 22, to be entitled "An act to amend articles 355 and 356, of an act entitled 'an act to adopt and establish a Penal Code for the State of Texas,'" and I am instructed by the committee to report the bill back to the Senate and to recommend its passage.

Bill read first time.

STEWART, Chairman.

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 beg leave to report that they have duly considered Senate bill No. 20, to be entitled "An act to amend chapter 4, title 9, of an act entitled 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,' passed by the Sixteenth Legislature," and am instructed by a majority of the committee to report the bill back to the Senate, and to recommend that it do pass.

STEWART, Chairman.

Read first time.

COMMITTEE ROOM,
AUSTIN, January 20, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 beg leave to report that they have duly considered Senate bill No. 12, to be entitled "An act to amend articles 111 and 112 of chapter 5 of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' passed at the regular session A. D. 1879," and the committee instruct me to report the bill back to the Senate with the following amendment, viz.:

Insert between the word "tax," in last line of page one of the bill, and the word "and," in first line of second page, the words "and all costs of said prosecution." Thus amended the committee recommend that the bill do pass.

STEWART, Chairman.

Bill read first time, with amendment.

COMMITTEE ROOM,
AUSTIN, January 20, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 beg leave to report that they have duly

considered Senate bill No. 46, to be entitled "An act to amend article 1289, chapter 11, title 39 of the Revised Civil Statutes of the State of Texas, and I am directed by the committee to report the bill back to the Senate and to recommend its passage.

STEWART, Chairman.

Bill read first time.

Senator Buchanan of Wood, chairman of Committee on Education, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Educational Affairs have had under consideration Senate Bill No. 62, entitled "An act making an appropriation of \$200 for the purpose of having the State of Texas personally represented at the meeting of the trustees of the Peabody fund, at Washington City, D. C., on the second day of February, 1881," and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BUCHANAN of Wood, Chairman.

Bill read first time.

On motion of Senator Lane, rules were suspended and Senate bill No. 62, entitled "An act making an appropriation of two hundred dollars for the purpose of having the State of Texas personally represented at the meeting of the trustees of the Peabody fund, at Washington, D. C., on the second day of February, 1881," was taken up, and read a second time.

Senator Buchanan of Wood moved to amend by striking out two hundred dollars, where it occurs both in the caption and body of the bill, and insert three hundred dollars. Withdrawn.

Senator Swain moved to amend by adding, "to be paid out of the available school fund." Lost, and bill ordered engrossed.

On motion of Senator Lane, the rules were suspended and the bill placed upon its third reading, by the following vote:

YEAS—20.

Buchanan of Grimes	Homan,	Powers,
Buchanan of Wood,	Houston,	Rainey,
Burgess,	Lair,	Shannon,
Cooper,	Lane,	Stewart,
Davenport,	Lightfoot,	Stubbs,
Duncan,	Martin of Cooke,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,		Wynne.

NAYS—none.

NOT VOTING—1.

Burton.

Bill read third time and passed by the following vote:

YEAS—26.

Buchanan of Grimes	Homan,	Powers,
Buchanan of Wood,	Houston,	Rainey,
Burton,	Lane,	Shannon,
Davenport,	Lightfoot,	Stewart,
Duncan,	Martin of Cooke,	Stubbs,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,		Wynne.

NAYS—1.

Swain.

NOT VOTING—3.

Burgess, Cooper, Lair.

Senator Burton introduced a bill entitled "An act to diminish the civil and criminal jurisdiction of the county court of Wharton county, and to conform the jurisdiction of the district court of said county to such change." Referred to Judiciary Committee No. 1.

Senator Wynne introduced a bill entitled "An act to repeal subdivision 5, of article 1198, chapter 4, title 57, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas passed by the Sixteenth Legislature of the State of Texas.'" Referred to Judiciary Committee No. 1.

On motion of Senator Gooch, special order, being "execu-

tive session immediately after morning call," was postponed until 11 o'clock.

Senator Buchanan of Grimes, of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 15, being "An act to encourage the construction of artesian wells," and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

House bill No. 11, being an "Act to amend article 435 of the Code of Criminal Procedure, providing for the transfer of indictments from the district courts to courts having jurisdiction thereof," was taken up and referred to Judiciary Committee No. 2.

Senator Harris, by leave, introduced a bill entitled "An act for the protection of the wool-growing interest of the State." Referred to Committee on Stock and Stockraising.

On motion of Senator Gooch, Captain Swindells, acting as assistant secretary of the Senate, was permitted to remain in the Senate Chamber during the executive session.

On motion of Senator Houston, the Senate went into executive session to consider the appointments sent into the Senate yesterday by his Excellency the Governor.

IN SENATE.

On motion of Senator Gooch, the Secretary was instructed to inform the Governor of the action of the Senate on the following appointments:

The appointment of General J. B. Jones as Adjutant-General; Horace Chilton, Esq., as Assistant Attorney-General; Captain T. H. Bowman as Secretary of State; Dr. Frank Rainey as Superintendent Blind Asylum; Dr. William E. Saunders as Superintendent Lunatic Asylum, and Colonel John S. Ford as Superintendent Deaf and Dumb Asylum, were all confirmed.

Senator Harris, by leave, introduced a bill entitled, "An act to organize the Seventeenth Judicial District of the State of Texas, and to fix the time of holding courts therein." Referred to Committee on Judicial Districts.

Also, a bill entitled "An act to authorize married women to grant power of attorney to their husbands to sell and convey the separate property of the wife, and to legalize deeds heretofore made by husbands under power of attorney from the wife." Referred to Judiciary Committee No. 1.

On motion of Senator Martin of Navarro, rules were suspended and Senate bill No. 33, entitled "An act to repeal articles 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088 and 4089, title 82 of the Revised Civil Statutes of the State of Texas," and also an act of April 19, 1879, entitled "an act creating the office of public weigher and defining the duties and liabilities thereof," was taken up and read second time.

Senator Duncan moved that the further consideration of the bill be postponed and made the special order for next Monday morning immediately after the morning call. Lost by the following vote:

YEAS—9.

Buchanan of Wood,	Duncan,	Henderson,
Cooper,	Gooch,	Patton,
Davenport,	Harris,	Stubbs.

NAYS—20.

Buchanan of Grimes	Lane,	Stewart,
Burgess,	Martin of Cooke,	Swain,
Burton,	Martin of Navarro,	Terrell,
Hightower,	Moore,	Tilson,
Homan,	Powers,	Weatherred,
Houston,	Rainey,	Wynne,
Lair,	Shannon,	

Senator Duncan moved its postponement till to-morrow morning, and that it be the special order just after the morning call. Lost by the following vote:

	YEAS—11.	
Buchanan of Wood,	Gooch,	Stubbs,
Cooper,	Henderson,	Terrel,
Davenport,	Lair,	Tilson.
Duncan,	Patton.	

	NAYS—17.	
Buchanan of Grimes	Houston,	Shannon,
Burgess,	Lane,	Stewart,
Burton,	Martin of Cooke,	Swain,
Harris,	Martin of Navarro,	Weatherred,
Hightower,	Powers,	Wynne.
Homan,	Rainey,	

	NOT VOTING—2.
Lightfoot,	Moore.

Bill ordered engrossed.

Senate bill No. 2, entitled "An act to amend chapter 116 of the General Laws of 1879, entitled 'an act to define in what civil cases deposition of witnesses may be taken,'" was taken up as business on the President's table with substitute of committee. Read second time, substitute adopted and ordered engrossed.

Senate bill No. 5, entitled "An act to give orders of sale foreclosing liens upon real estate the force and effect of writs of restitution," with substitute for the same, was taken up. Read second time, substitute adopted, and ordered engrossed.

Senate bill No. 11, entitled "An act to amend article 316, of the Penal Code of the State of Texas," was taken up and read the second time.

Senator Gooch offered the following amendment: Insert after the word "fireworks," the words "or blow any brass horn, or fire any anvil or cannon, or make any loud noise." Withdrawn.

Senator Terrel offered the following amendment: Amend by inserting after "State," "except in defense of himself, or his property." Lost.

Senator Powers offered the following amendment: Amend by inserting before the word "city," the word "unincorporated." Lost.

Senator Cooper offered the following amendment: Amend by striking out the words "fire-cracker, Roman candle, sky rocket, squib, or other fireworks." Lost. by the following vote.

	YEAS—9.	
Buchanan of Wood.	Duncan,	Henderson,
Cooper,	Gooch,	Patton,
Davenport.	Harris,	Stubbs.

	NAYS—20.	
Buchanan of Grimes	Lane,	Shannon,
Burgess,	Martin of Cooke,	Stewart,
Burton,	Martin of Navarro,	Swain,
Hightower,	Moore,	Terrell,
Homan,	Powers,	Tilson,
Houston,	Rainey,	Weatherred,
Lair,		Wynne.

NOT VOTING—1.

Lightfoot

Senator Gooch offered the following amendment: Amend by striking out "fire-crackers."

Senator Homan made the point of order that the amendment was out of order, as it had already been voted down. Point of order overruled.

Senator Homan moved the previous question on the pending amendment and bill. Motion seconded.

Senator Duncan moved a call of the Senate; call sustained. Roll called; Senate full, and call suspended. The main question ordered by the following vote:

	YEAS—25.	
Buchanan of Grimes	Henderson,	Lair,
Buchanan of Wood,	Hightower,	Lightfoot,
Burton,	Homan,	Martin of Cooke,
Cooper,	Houston,	Martin of Navarro,
Davenport,	Lane,	Moore,

Patton,	Stewart,	Tilson,
Powers,	Stubbs,	Weatherred,
Rainey,	Terrell,	Wynne.
Shannon,		

NAYS—3.

Duncan,	Gooch	Harris.
Burgess,	NOT VOTING—2.	
	Swain.	

The pending amendment of the Senator Gooch was lost, and the bill ordered engrossed by the following vote:

	YEAS—20.	
Buchanan of Wood,	Homan,	Shannon,
Burgess,	Houston,	Stewart,
Burton,	Lair,	Stubbs,
Davenport,	Lane,	Tilson,
Harris,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower	Powers,	

	NAYS—9.	
Buchanan of Grimes	Gooch,	Rainey,
Cooper,	Martin of Cooke,	Swain,
Duncan,	Martin of Navarro,	Terrell.
	NOT VOTING.	
	Lightfoot.	

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
AUSTIN, January 20, 1881.

To the Honorable Senate of the State of Texas:

Gentlemen—In compliance with a joint resolution of your honorable body, concurred in by the House of Representatives, passed and transmitted to me this day, I herewith return Senate bill No. 9.

Respectfully,

O. M. ROBERTS, Governor.

Read and referred to the Committee on Contingent Expenses.

Senate bill No. 34, entitled "An act amending article 4609, chapter 4, of the Revised Civil Code, approved February, 1879," was taken up, read second time and ordered engrossed.

Senate bill No. 38, entitled "An act to amend article 3812, title 79 of the Revised Civil Statutes of the State of Texas," was taken up, read second time and ordered engrossed.

Senate bill No. 23, entitled "An act to amend article 2266, chapter 4, title 38, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed by the Sixteenth Legislature," was taken up and read first time.

Senate bill No. 32, being "An act regulating the removing of the disabilities of minors," was taken up and read first time.

On motion of Senator Wynne, Senator Weatherred was added to the Committee on Constitutional Amendments.

Senator Martin of Cooke offered a joint resolution proposing an amendment to section 7 of article 5 of the Constitution, creating the judicial department. Referred to Committee on Constitutional Amendments.

Senate bill No. 15, entitled "An act to encourage the construction of artesian wells," was taken up and read third time.

Senator Lane offered the following amendment: Amend by striking out section 5 and insert therefor:

SEC. 5. No compensation shall be allowed for more than one well in each county, and such compensation shall be made to the person, firm, corporation or company which shall first fill his bond as herein directed and otherwise comply with the act.

On motion of Senator Duncan, pending business was postponed five minutes.

Senator Duncan submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. J. J. Storey, President of the Senate:

Your Committee on Contingent Expenses, to whom was referred Senate bill No. 9, "An act making an appropriation for the contingent expenses

of the Seventeenth Legislature," having considered the same, beg leave to report the accompanying bill as a substitute for same, and recommend that it pass.

DUNCAN, Chairman.

Bill read first time.

On motion of Senator Duncan, the rules were suspended and bill placed upon its second reading by the following vote:

YEAS—29.

Buchanan of Grimes	Hightower,	Powers,
Buchanan of Wood,	Homan,	Rainey,
Burges,	Houston,	Stewart,
Burton,	Lair,	Stubbs,
Cooper,	Lane,	Swain,
Davenport,	Lightfoot,	Terrell,
Duncan,	Martin of Cooke,	Tilson,
Gooch,	Martin of Navarro,	Weatherred,
Harris,	Moore,	Wynne.
Henderson,	Patton,	

NAYS—1.

Shannon.

Bill read second time and ordered engrossed.

On motion of Senator Duncan, the rules were suspended and bill put upon its third reading by the following vote:

YEAS—28.

Buchanan of Grimes	Hightower,	Patton,
Buchanan of Wood,	Homan,	Rainey,
Burges,	Houston,	Shannon,
Burton,	Lair,	Stewart,
Cooper,	Lane,	Stubbs,
Davenport,	Lightfoot,	Swain,
Duncan,	Martin of Cooke,	Terrell,
Gooch,	Martin of Navarro,	Tilson,
Harris,	Moore,	Weatherred,
Henderson,		Wynne.

NAYS—none.

NOT VOTING—2.

Henderson, Powers.

Bill read the third time and passed by the following vote:

YEAS—28:

Buchanan of Grimes	Homan,	Rainey,
Buchanan of Wood,	Houston,	Shannon,
Burges,	Lair,	Stewart,
Burton,	Lightfoot,	Stubbs,
Cooper,	Martin of Cooke,	Swain,
Davenport,	Martin of Navarro,	Terrell,
Duncan,	Moore,	Tilson,
Gooch,	Patton,	Weatherred,
Harris,	Powers,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING—2.

Henderson, Lane.

Pending business resumed, being Senate bill No. 15—Senator Lane's amendment pending.

Senator Cooper offered the following amendment to Senator's Lane's amendment:

And no such well shall be bored or constructed within a distance of ten miles of any other stock well." Lost.

The pending amendment of Senator Lane was then adopted by the following vote:

YEAS—24.

Buchanan of Grimes	Homan,	Patton,
Buchanan of Wood,	Houston,	Powers,
Burges,	Lair,	Stubbs,
Burton,	Lane,	Swain,
Cooper,	Lightfoot,	Terrell,
Davenport,	Martin of Cooke,	Tilson,
Duncan,	Martin of Navarro,	Weatherred,
Gooch,	Moore,	Wynne.

NAYS—6.

Harris,	Powers,	Shannon,
Hightower,	Rainey,	Swain.

The bill was then passed by the following vote:

YEAS—20.

Burges,	Lane,	Shannon,
Davenport,	Lightfoot,	Stewart,
Gooch,	Martin of Cooke,	Stubbs,
Harris,	Martin of Navarro,	Swain,
Homan,	Moore,	Terrell,
Houston,	Powers,	Tilson.
Lair,	Rainey,	

NAYS—9.

Buchanan of Grimes	Cooper,	Patton,
Buchanan of Wood,	Duncan,	Weatherred,
Burton,	Hightower,	Wynne.
	NOT VOTING.	
	Henderson.	

On motion of Senator Martin of Cooke the Senate adjourned until 10 o'clock A. M. to-morrow.

ELEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 22, 1881. }

Senate met pursuant to adjournment, Lieutenant-Governor Storey in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Shannon, the reading of the journals of yesterday was dispensed with, and same adopted,

On motion of Senator Houston, Senator Homan was excused until Tuesday morning next.

On motion of Senator Burges, the Sergeant-at-arms, Captain Kyle, was excused until Tuesday next.

On motion of Senator Duncan, Senator Terrell was excused from the Senate during Monday next.

A message was received from the House announcing the passage of substitute Senate bill No. 9, "An act making an appropriation to defray the contingent expenses of the Seventeenth Legislature."

The President announced the complimentary presentation to the Senate of certain interesting documents by the "New Orleans Sanitary Association."

On motion of Senator Shannon, Senator Burton was excused for the day.

Senator Houston, chairman of Committee on Constitutional Amendments, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 22, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 9, entitled "A joint resolution amending article 6 of the Constitution of the State of Texas, relating to education and the public free schools," have had the same under consideration, and instruct me to report the same back, and recommend that it do not pass.

HOUSTON, Chairman.

Bill read first time.

Senator Lair, for the Committee on Public Health, moved that one hundred copies of Senate bill No. 52 be printed. Adopted.

Senator Davenport introduced a bill entitled "An act to procure from the publishing house owning the copyright, certain volumes of the early reports of the Supreme Court of the State." Referred to Judiciary Committee No. 1.

Senator Wynne introduced a bill entitled "An act to define who are officers of the State of Texas, and entitled to the salaries and fees of office." Referred to Committee on State Affairs.

Senator Stewart, chairman of Judiciary Committee No. 2, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 beg leave to report that they have duly considered Senate bill No. 13, to be entitled "An act to regulate the